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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 GUSTAVO CARRILLO-LOPEZ,
16 Defendant.

Case No. 3:20-CR-00026-MMD-WGC

**NOTICE OF SUPPLEMENTAL
AUTHORITY**

17
18 Counsel requests an opportunity after the presentation of witnesses to address the
19 government's supplemental authority, particularly as none of the courts at issue have permitted
20 historians to testify. This Court, in contrast, is actually permitting a criminal defendant to make
21 a full evidentiary record and conduct the sensitive inquiry required by *Arlington Heights*.

22 Counsel likewise notes that a close reading of the two Circuit cases cited by the
23 government appear to provide legal support for Mr. Carrillo-Lopez's position, while being
24 factually distinguishable. Counsel anticipates the Court will read the cases cited but also
25 requests an opportunity to elaborate on these points after the witnesses testify. Counsel also
26 submits the following for the Court's consideration in connection with the upcoming
evidentiary hearing:

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on January 29, 2021, she served an electronic copy of the above and foregoing **NOTICE OF SUPPLEMENTAL AUTHORITY** by electronic service (ECF) to the person named below:

NICHOLAS A. TRUTANICH
United States Attorney
PETER WALKINGSHAW
Assistant United States Attorney
400 South Virginia Street, Suite 900
Reno, NV 89501

/s/ Katrina Burden
Employee of the Federal Public Defender